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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,489	03/15/2004	Chi-Yin Wong	010327-008310US	1219
20350 7590 12/31/2007 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			EXAMINER WU, JIANYE	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 12/31/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/801,489

Applicant(s)

WONG, CHI-YIN

Examiner

Jianye Wu

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11/12/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/12/07 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-15** are rejected under 35 U.S.C. 102(b) as being anticipated by ATM Forum, AF-VMOA-0145.000, "Voice and Multimedia Over ATM – Loop Emulation Service Using AAL2", July, 2000, (hereinafter VMOA).

For **claim 1**, VMOA discloses a system for managing circuit emulation service over an ATM network (Figure 1 of Page 10), comprising:

control logic configured to receive channelized circuit data (User traffic, Figure 2 of Page 12), the channelized circuit data being transmitted at an arbitrary rate (lines 1-7 of Section 1.1, Page 6);

control logic configured to format the channelized circuit data into one or more ATM cells, each ATM cell having a payload, the payload having a plurality of octets and corresponding validity fields (CRC field of an AAL2 cell; an AAL2 cell is a special kind of ATM cell which has a CRC field, Examiner takes an Official Notice with this notion), each validity field indicating whether the associated octet contains valid data (CRC field of an AAL2 cell is interpreted as an availability field for each octet of the payload of cell) ; and

control logic configured to transmit the one or more ATM cells across the ATM network (Figure 1 of Page 10);

wherein the transmission of the one or more ATM cells effectively results in transmission of the channelized circuit data at the arbitrary rate over the ATM network (Figure 1 of Page 10); and

wherein the arbitrary rate is not a multiple of a fundamental rate (lines 1-7 of Section 1.1, Page 6; e.g., rate for compressed voice).

As to **claim 2**, VMOA discloses the system of claim 1 wherein the arbitrary rate is less than the fundamental rate (lines 1-7 of Section 1.1, Page 6; e.g., rate for compressed voice).

As to **claim 3**, VMOA discloses the system of claim 1 wherein the arbitrary rate is higher than the fundamental rate (multiple User traffic, Figure 2 of Page 12).

As to **claim 4**, VMOA discloses the Traffic aggregation equipment incorporating the system as recited in claim 1 (Figure 2 of Page 12).

For **claim 5**, it is the corresponding system claim of claim 1, therefore, is rejected for the same reason explained in claim 1 above.

As for **claim 6**, it is the same as to claim 5, therefore, is rejected for the same reason explained in claim 5 above.

As for **claim 7**, it is equivalent to system claim of claim 2, therefore, is rejected for the same reason explained in claim 2 above.

As for **claim 8**, it is equivalent to system claim of claim 3, therefore, is rejected for the same reason explained in claim 3 above.

For **claims 9-11**, they are the corresponding method claim of claims 1-3, therefore, are rejected for the same reasons explained in claims 1-3 above.

For **claims 12-15**, they are the corresponding method claim of claims 5-8, therefore, are rejected for the same reasons explained in claims 5-8 above.

### ***Response to Amendments***

3. Applicant's arguments with respect 35 U.S.C. 102 rejections filed on 11/9/2007 have been fully considered but they are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

4. Regarding 35 U.S.C. 102 rejections (page 7-9), particularly to claim 1, Applicant argues:

a) "VMOA fails to teach at least control logic for formatting channelized circuit data ..." (2<sup>nd</sup> paragraph of the section in page 7):

b) VPI and VCI are not validation fields (line 9-10 of page 8), and they "do not correspond to individual octets in the payload" (line 7-8 from bottom, page 8).

The following are Examiner's responses:

a) the claimed "the control logic for formatting channelized circuit data" is simply "implemented in software" according to specification ([0016]) and does not specifies any structure. VMOA clearly shows (CP-IWF in FIG. 1) a general logic of formatting channelized the circuit data from Customer Telephone Equipment into the data in form of ATM cells.

b) The argument regarding VPI and VCI is moot in view of the new ground(s) of rejection. Claim 1 recites

"each ATM cell having a payload, the payload having a plurality of octets and corresponding validity fields, each validity field indicating whether the associated octet contains valid data;"

Specification does not show any details on how each octet of ATM cell is corresponding to a validity field. In fact, FIG. 2 appears indicating that a validation field is used for all octets in an ATM cell, instead of a single octet. Therefore, Examiner interprets the above claim language as that all octets in an ATM cell associated with a validation field. An AAL2 cell is a special kind of ATM cell with a validation field CRC, a checksum over the entire cell, including every octet of the payload. Every octet in an AAL2 cell associated with a valid CRC are considered as valid, while every octet in an AAL2 cell associated with an invalid CRC are considered as invalid.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jianye Wu whose telephone number is (571)270-1665. The examiner can normally be reached on Monday to Thursday, 8am to 7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (571)272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jianye Wu

12/15/07



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